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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/753,321	01/09/2004	Shawn Gregory Abigail	ALC 3111	7258

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KRAMER & AMADO, P.C.
Suite 240
1725 Duke Street
Alexandria, VA 22314

EXAMINER

LUDWIG, MATTHEW J

ART UNIT	PAPER NUMBER
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2178

MAIL DATE	DELIVERY MODE
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08/24/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/753,321

Applicant(s)

ABIGAIL, SHAWN GREGORY

Examiner

Matthew J. Ludwig

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 23-25 and 27-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 23, 25, 27, 29-33, 35, and 36 is/are rejected.
- 7) ☒ Claim(s) 24, 28, 34, and 37 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

1. This action is in response to the amendment received 5/25/2007.
2. Claims 23-25, 27-37 are pending in the application. Claims 23, 29, 33, and 37, are independent claims.
3. Claims 23-25 and 28-32 rejected under 35 U.S.C. 103(a) as being unpatentable over Wu in view Shewchuk have been withdrawn pursuant to applicant's amendment.

Claim Objections

4. In reference to independent claim 23, the words 'in respect of' do not provide the Examiner with a clear and unambiguous understanding of the claim limitation when read as a whole. The Examiner believes a better fit for the limitation may be 'retrieving extensible markup language tags '***based upon***' alarm tokens corresponding to said alarm code'. Appropriate changes are required.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 23, 25, 27, 29-33, 35, and 36, are rejected under 35 U.S.C. 103(a) as being unpatentable over Sampson, USPN 7,010,565 filed (3/5/2003).**

In reference to independent claim 1, 29, and 33, Sampson teaches:

In certain configurations, tokens may be published in a document viewable by entities potentially desiring to communicate with the issuer (compare to ‘generating at a network element a compliant alarm report in response to an alarm condition’). See page 8, lines 50-67. A token action log is a list of tokens that have been issued, including conditions under which they can be validly used and actions that they motivate. A token may be a series of alphanumeric character surrounded by XML tags (compare to “said report including an alarm token encapsulated between a corresponding pair of XML tags”). See page 5, lines 1-67 and page 6, lines 1-67.

Other possible names for for a token action log include ‘token repository,’ token registry’, ‘token register,’ All are considered a list of tokens issued, including conditions under which they can be validly used and actions that they motivate (compare to ‘logging said compliant alarm report into a combined alarm report log file, adapted to log compliant alarm reports from...’). See column 5, lines 60-67.

The reference provides a suggestion of a surveyor who desires to survey others via email. A token may be created with an action for messages received of automatically logging the survey responses in a data file. The subject completes the survey and emails it back to the surveyor. The surveyor’s email system recognizes that token and automatically parses the responses and records them in a survey response file (compare to “parsing said compliant alarm report using a compliant parser equipped with XML tag specification”). The reference fails to explicitly state the parser is an XML based parser, however, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have utilized the forms-based XML tag methods

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taught by Sampson and provided a user with both email functionality and XML based functionality in a network environment. See column 18, lines 30-67.

When the user attempts to delete a message with such a token attached, the message device will detect the token, look up the action in the token action log for the event, and prevent the person from deleting the message (compare to “look-up query based on an alarm code received in said alarm report for retrieving XML tags in respect of alarm tokens corresponding to said alarm code”). See column 19, lines 1-56.

The deletion of a token from the token action log would instead motivate an “invalid token” response to that message (compare to “uniquely identify a category of said alarm condition being reported by said network element”). See column 19, lines 1-56.

In reference to dependent claim 25, Sampson teaches:

Regardless of the format of tokens, they are created using any suitable method. A token may be given by an operator or may be given by another entity authorized by the operator. The created token is checked to ensure that it is unique. The token action log entry indicates what actions are associated with the given token. See column 7, lines 30-67.

In reference to dependent claim 27, 30, Sampson teaches:

A token may be a series of alphanumeric character surrounded by XML tags (compare to “said report including an alarm token encapsulated between a corresponding pair of XML tags”). See page 5, lines 1-67 and page 6, lines 1-67.

In reference to dependent claim 31, Sampson teaches:

Regardless of the format of tokens, they are created using any suitable method. A token may be given by an operator or may be given by another entity authorized by the operator. The

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created token is checked to ensure that it is unique. The token action log entry indicates what actions are associated with the given token. See column 7, lines 30-67.

In reference to dependent claim 32, Sampson teaches:

A token includes an indication of an explanation of what the token is and why it needs to be attached to a subsequent message. Optionally, a token might be sent with an explanation of the intended purpose of the token. See column 8, lines 45-67 and column 9, lines 1-56.

In reference to independent claim 35 and 36, Sampson teaches:

Regardless of the format of tokens, they are created using any suitable method. A token may be given by an operator or may be given by another entity authorized by the operator. The created token is checked to ensure that it is unique. The token action log entry indicates what actions are associated with the given token. See column 7, lines 30-67.

Allowable Subject Matter

7. Claims 24, 28, 34, and 37, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

8. Applicant's arguments with respect to claims 23-25 and 28-32 have been considered but are moot in view of the new ground(s) of rejection.

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Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew J. Ludwig whose telephone number is 571-272-4127.

The examiner can normally be reached on 9:00am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on 571-272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ML



STEPHEN HONG
SUPERVISORY PATENT EXAMINER